IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4243 of 2006(E)

CRA.221/2004 of ADDL.SESSIONS COURT, PATHANAMTHITTA
CC.2/2003 of CHIEF JUDICIAL MAGISTRATE COURT, PATHANAMTHITTA

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REVN. PETITIONER/APPELLANT/ACCUSED:

PAPPEN VARGHESE,
LEELAYALAM,
CHERUKOLE P.O.,
NEAR ASHRAM, MAVELIKKARA.

BY ADV. SRI.ARUN.B.VARGHESE

RESPONDENTS/RESPONDENTS/COMPLAINANT & STATE::

1. N.V. VARGHESE,
S/O. N.S. VARUGHESE,
NJATTUKALAYIL , MARAMON MURI,
THOTTAPUZHASSERY VILLAGE,
REP. BY POWER OF ATTORNEY HOLDER,
ROGERS K. MATHEW, KUTTIYIL HOUSE,
ATHIKAYAM, NARANAMOOZHY

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.K.S.MANU (PUNUKKONNOOR)
R2 BY PUBLIC PROSECUTOR ADV. SHRI C.K. SURESH.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 30/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

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CRL. R.P. 4243 OF 2006

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Dated this the 30th November , 2006

O R D E R

The petitioner was convicted for the offence under section 138 of the Negotiable Instruments Act and he was sentenced to pay a fine of Rs. 4,79,687/- and in default, to undergo simple imprisonment for six months. It was also directed that on realisation of the fine amount, Rs. 4,59,687/- shall be disbursed to the first respondent/ complainant as compensation under section 357(1) of the Code of Criminal Procedure . On appeal, the appellate court confirmed the conviction and sentence imposed on the petitioner by the trial court .

2. Crl.M.A.No.12270 of 2006 has been filed by the petitioner/accused and the first respondent/ complainant stating that the matter is settled. That application was allowed.

In the result, the Crl. Revision Petition is allowed. The conviction and sentence imposed on the petitioner are set aside and the petitioner is acquitted under section 320(8) of the Code of Criminal Procedure.

K.T. SANKARAN,
JUDGE.

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K.T. SANKARAN, J.

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CRL. M.A.No. 12270 OF 2006
IN CRL. R.P. 4243 OF 2006

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Dated this the 30th November , 2006

O R D E R

This is an application filed under section 147 of the Negotiable Instruments Act seeking permission to compound the offence under section 138 of the Negotiable Instruments Act. It is stated that the dispute between the parties is settled and the amount covered by the cheque has been paid to the first respondent/ complainant. The application is signed by the first respondent /complainant as well as the revision petitioner/accused and their counsel. The application is allowed.

K.T. SANKARAN,
JUDGE.

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